



WASHINGTON STATE DEPARTMENT OF
Natural Resources
Doug Sutherland - Commissioner of Public Lands

Reorganized laws would be easier to understand and use

DNR wants to recodify statutes on managing state uplands

The Department of Natural Resources (DNR) has a wide variety of duties, including fighting wildfires, regulating forest practices, and managing more than 5 million acres of state-owned lands that benefit the public in a variety of ways, such as by providing school construction funds, habitat conservation, and recreation. About half of these lands are uplands.

Much of the law governing DNR's land management activities dates back to the Public Lands Act of 1927 and before, but there have been many changes over the years. Statutes guiding DNR's land management and other duties are divided among three Titles of the Revised Code of Washington (RCW):

- Title 79 RCW, Public Lands
- Title 76 RCW, Forest and Forest Products
- Title 43 RCW, State Government-Executive

Problem

The organization of the statutes governing DNR's various duties has become disconnected and inefficient. Land management sections are mixed with regulatory sections. Some chapters are long with many unrelated subjects. It is sometimes difficult to find all laws related to a specific issue, and many laws use gender-specific language that is inconsistent with RCW 44.04.210.

The upland management statutes are particularly cumbersome. In the 17 chapters of Title 79 RCW, Public Lands, 400 sections of law deal with DNR's management of state-owned uplands. More than 160 of those sections are in just one chapter (79.01, Public Lands Act). Over the years, this chapter has become a poorly organized collection of unrelated, not necessarily general, laws. Also, there are about 50 uplands management-related sections in Title 76 RCW, Forest and Forest Products, a title that is primarily made up of regulatory law. As land stewardship has become more complex, having easy access to the pertinent laws has become especially important.



DNR's proposal

Recodify (reorganize) statutes governing DNR's upland management and agency organization, making the law is easier to use and understand while maintaining existing legislative direction.

Recodification will rearrange sections of existing statutes, so that like subjects are grouped together. As statutes are recodified, some sections will be moved from one location to another. Other sections will be combined (such as grouping all definitions in one place), and language will be added as needed to divide statutes into two or more sections so that each section addresses a single subject. New chapters (numbers) will be added so that chapters can be limited to one major subject (e.g., land management policies). References in other statutes to now-recodified sections will be revised as needed.

More ►

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Specific changes and results

DNR's proposed recodification focuses on organization and upland management statutes in Chapters 43.12, Commissioner of Public Lands; 43.30, Department of Natural Resources, 76.12, Reforestation; and Title 79 RCW, Public Lands.

This recodification will:

- Consolidate, under Title 79 RCW, all sections that deal with the management of uplands belonging to or held in trust by the state and administered by DNR. Regulatory sections currently in Title 79 RCW will be moved to Title 76 RCW.
- Consolidate sections relating to overall responsibilities of the Commissioner and DNR into appropriate chapters in Title 43 RCW. Laws dealing with the duties and powers of the Commissioner will be concentrated in Chapter 43.12. Laws dealing with the general duties and powers of DNR and the Board of Natural Resources will be concentrated in Chapter 43.30 RCW.
- Create individual chapters in Title 79 RCW limited to one major subject, e.g. land management policies, land sales, land leases, sale of valuable materials, etc.
- Limit RCW sections to one subject, logically grouped into subchapters, within chapters.
- Group fund-related statutes in chapters 79.64, Funds for Managing and Administering Lands, (trust funds) and 43.30 (other funds).
- Make technical changes such as grouping commonly used definitions together and rewriting in gender-neutral terms as required by RCW 44.04.210.
- Move chapter 79.81 RCW, Marine plastic debris, and other appropriate sections to the chapters on aquatic lands (79.90-79.96 RCW). (This recodification makes no other changes to the aquatic lands statutes.)